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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Twenty-first session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 36th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 19 November 1999, at 10 a.m.

Chairperson: Mrs. BONOAN-DANDAN

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* The summary record of the second part (closed) of the meeting appears as document E/C.12/1999/SR.36/Add.1.

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 6) (continued)

Second periodic report of Argentina (HRI/CORE/1/Add.74; E/1990/6/Add.16; E/C.12/Q/ARG/1; written replies to the list of issues and additional statistics prepared by the Argentine Government (documents without a reference number)) (continued)

1. At the invitation of the Chairperson, the members of the Argentine delegation resumed their places at the Committee table.

2. Mrs. NASCIMBENE de DUMONT (Argentina), responding to the questions raised on housing, said there were plans to provide low-cost loans giving residents of slum areas in the province of Buenos Aires access to better housing. The figures on housing showed financing by the National Housing Fund, broken down by province. The Fund essentially targeted medium- and low-income families. In 1994, 22 per cent of all loans granted to facilitate access to housing had been provided by the Fund. That figure had increased to 43 per cent in 1997. With regard to emergency housing, the responsible secretariat for town planning and housing in the province of Buenos Aires had informed the delegation that, in order to reduce the number of squatters, a programme for rebuilding slum areas had been launched, involving the construction of single-storey terraced accommodation. To date, 154,000 such units had been constructed.

3. On the subject of alternative housing, she said that low-cost housing had been provided on land owned by the province of Buenos Aires. In the past four years the province had granted 350,000 deeds of ownership, of which 250,000 were in the Greater Buenos Aires city area. Such measures showed the determination of the authorities to remedy housing problems. In the poorest neighbourhoods of Buenos Aires, 21 apartment blocks had been converted to accommodate large numbers of families. The blocks, which dated from the great migration period at the beginning of the century, had been restored so as to preserve their contribution to the architectural heritage.

4. With regard to emergency housing, a large-scale conversion programme had been implemented to try to enhance the quality of life of residents. Attempts had been made to establish a balance between the north and south of the city, with the construction of 28 new apartment blocks in particularly poor neighbourhoods. Low-interest loans had also been provided for those living in overcrowded conditions or who had lost their homes. Out of a total of 20,000 applications, 4,000 new ownership deeds had been granted. In general, housing was a fundamental priority for both provincial and national authorities.

5. Mrs. Jiménez Butragueño had expressed concern as to whether old age pensions could be paid under current legislation. In that connection, it was the duty of Congress to approve the

budget on an annual basis, and a system of prior approval had been implemented for the past 10 years. Consequently, it was unthinkable that the necessary funding would not be available for the payment of pensions.

6. With regard to violence against women, judicial remedies existed but the mechanisms concerned were slow and in need of modernization. In 1996, together with the United Nations Children's Fund (UNICEF), the Argentine National Council for Women had implemented a programme to provide training and technical assistance and increase awareness of the problem. Although the situation remained serious, the Programme had created a series of instruments for improving assessment of and follow-up to cases of violence. A training manual had also been developed on how to tackle the issue of violence against women, especially within families. A register of cases had been set up containing the statistics required to determine the effectiveness of the measures taken. However, those measures were still insufficient, despite the existence of courses such as those run by the Argentine Federal Police to train female staff to deal with cases of violence against women.

7. Mr. VARELA (Argentina) said that the figures available with regard to malnutrition among children were less precise than those on maternal mortality. However, a demographic study had been conducted covering children up to the age of 6 in 18 of the 24 national provinces. The study established low indices for malnutrition. The nutritional problem most frequently encountered was iodine deficiency. Obesity was also a problem, especially in the southern regions of Patagonia. The incidence of emaciation was low in most areas. The results could be interpreted in two possible ways: either nutritional problems were not very prevalent, or else the child nutrition programme had proved to be effective.

8. Mrs. NASCIMBENE de DUMONT (Argentina) said that an evaluation of the studies conducted on child nutrition had not provided sufficiently complete information to determine whether the policies implemented were effective. On the subject of mental health, she said that according to the Ministry of Health, buildings used to house psychiatric patients were in most cases very old or inadequately equipped. However, the lack of facilities was compensated for to a certain extent by the quality of the medical practitioners working in such institutions. In general terms, an effort was made to treat psychiatric cases on an outpatients basis, in both general and specialized hospitals. However, a pilot experiment conducted in the province of Río Negro along the lines of those previously carried out in certain European countries had failed, since patients had great difficulty in reintegrating themselves into society and their families. The general policy was to avoid long-term confinement whenever possible so that patients did not lose touch with the outside world. Special units had been set up to provide day treatment; and rehabilitation was offered in the form of workshops where patients were able to undertake arts and crafts activities.

9. The Committee had asked whether there had been a decrease in the cover offered by the health insurance system since the deregulation of social welfare. Previously, the insurance system had focused essentially on members of trade unions. However, a reform introduced in 1994 had been designed to provide all such persons with the opportunity to make insurance contributions to the scheme of their choice rather than automatically to their place of work. The increased competition helped to eliminate the most inefficient parts of the insurance mechanism and to provide equality of opportunity. The problem was that social welfare covered only formal

sector workers. Sixty-five per cent of the population was covered by occupational or private medical schemes. The remaining 35 per cent had access only to the public system, where, despite recurrent infrastructure problems, treatment was provided free of charge. Public health-care problems were exacerbated in times of crisis and the Government was thus endeavouring to improve the services provided.

10. Mrs. JIMÉNEZ BUTRAGUEÑO said it was not good enough merely to state that pensions were theoretically paid out of the funding provided under the annual budget. Where pensions were not paid, people would suffer. How many people had actually been affected by that phenomenon?

11. Mrs. NASCIMBENE de DUMONT (Argentina) said that although no statistics were available, the concern expressed by the Committee would be borne in mind by the Argentine authorities. It was uncertain whether a loophole existed in the law in the area of pensions. To the best of her knowledge, the National Congress was not currently considering any reform of the pensions legislation.

12. Reverting to the question of health, she said that despite the numerous efforts made, much remained to be done. Certain measures had been successful, for example those taken against Chagas' disease, one of the most prevalent diseases in Argentina. Research conducted by the Ministry of Health, the National Scientific and Technical Research Council and the pests and insecticides research unit had resulted in the development of a device for the control of Chagas' disease that had been singled out by a World Health Organization (WHO) external review body as one of the three most effective policies of the decade in the control of tropical diseases.

13. Replying to questions by Mr. Wimer Zambrano, she said that the legislature was currently examining a draft law to replace the legislation governing immigration which he had deemed incompatible with certain provisions of the Covenant.

14. As far as access to education was concerned, the previous year the Argentine Government had signed agreements with Peru and Bolivia guaranteeing access to education even for those of their nationals who were not yet legally resident in Argentina. Higher education in State-run universities was free of charge in Argentina; moreover, the Ministry of Culture and Education provided a number of bursaries for students from other Latin American countries.

15. Mr. WIMER ZAMBRANO said that many references had been made both in the written submissions and by the delegation itself to literature available in indigenous languages. However, it appeared that all such literature had been published by the provincial authorities. He asked whether there was any legislation requiring the Federal Government to provide essential literature in indigenous languages.

16. Mrs. NASCIMBENE de DUMONT (Argentina) said that the Federal Education Act provided for bilingual education in recognition of the diverse ethnic origins of the Argentine people. All the literature and material referred to in the report and by the delegation had been funded by the National Ministry of Culture and Education, although it was often produced in cooperation with provincial entities or non-governmental organizations (NGOs).

17. She assured the Committee that Argentina's wealth of folk and cultural traditions was by no means neglected. Aside from the many performances of traditional tango dance music by artists of national and regional renown, there was currently a renaissance of folk music reflecting the renewed interest in indigenous culture, particularly among younger performers and audiences.

18. In conclusion she said that it had been a privilege to participate in the consideration of the second periodic report. She apologized for the late submission of the written replies. The Covenant covered a multitude of issues, falling within the purview of many different ministries and entities at national and district levels, so that it had been difficult to collect and collate all the data in time for the session. She believed that the second periodic report was a significant improvement on the initial report, representing a real effort to provide as much detailed and comprehensive information as possible.

19. The CHAIRPERSON said that, had the Committee had more time at its disposal, it would have raised further questions, which was an indication of its interest in the situation in Argentina. She hoped that when the time came to consider its next periodic report, Argentina would be able to submit its written replies to the list of issues in time to allow for prior consultation and translation, thereby facilitating the task of both the Committee and the delegation. Notwithstanding, the Committee acknowledged the great effort made by the delegation in handling such a difficult situation and thanked it for its cooperation and good will.

20. The delegation of Argentina withdrew.

The meeting was suspended at 10.55 a.m. and resumed at 11 a.m.

STATEMENT BY THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

21. Mrs. ROBINSON (United Nations High Commissioner for Human Rights) said that some of the Committee's concerns had already been brought to her attention during a meeting with the Chairperson earlier in the session, and that she would therefore begin her address by dealing with some of those substantive issues. However, she also welcomed the opportunity for dialogue with the Committee as a whole and for members to raise their concerns with her directly.

22. Firstly, on the subject of the right to education, she was aware that the draft general comment on article 13 would be the theme of the current session's day of general discussion. She hoped that the proposal to organize a Workshop on Indicators and the Right to Education would be followed through successfully. Perhaps the Committee might consider education as a possible theme for its contribution to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, to be held in South Africa in the year 2001. It would be the first major world conference of the next millennium, and it was thus very important to prepare for it well in advance. As Secretary-General of the Conference she appealed to all human rights mechanisms and bodies to engage actively in preparations and to think very hard about how best to combat the deep-rooted, worrying and ever-changing problem of racism and racial discrimination.

23. She would also welcome input from the Committee on its cooperation with the United Nations Development Programme (UNDP), given the activities of her Office in connection with the Memorandum of Understanding signed with UNDP. In particular, she would be interested to know more about the approach adopted by the Committee in the case of the Solomon Islands - a State which had in the past failed to fulfil its reporting obligations, but which now, with the assistance of the UNDP Field Office, had undertaken to submit its initial report. She wondered whether there was any scope for further developments along those lines.

24. Reporting on other activities relating to economic, social and cultural rights being carried out by her Office, she said that there had been significant interest in following up one of the four themes of the last Asia-Pacific Workshop for the Promotion and Protection of Human Rights - namely, strategies for the realization of social, economic and cultural rights and the right to development. It would be the theme of the next Asia-Pacific workshop, to be held in Yemen in February 2000. She would greatly appreciate a contribution by the Committee to the preparations for her participation in that event.

25. Another subject on which she sought the Committee's advice was cooperation with special rapporteurs and independent experts. The appointment of several experts in recognition of the importance of economic, social and cultural rights was indeed a positive development; however, it was essential that their mandates should be put to the best possible use. Some experts were encountering difficulties in liaising with treaty bodies and in securing sufficient support and resources. Given the Committee's recent cooperation with the Special Rapporteur on the right to education in connection with the draft general comment on article 13, and as the Committee's work was the bedrock of all United Nations activities in the area of economic, social and cultural rights, she would welcome the views of Members on how to develop and consolidate such experiences as well as on how to generate more support, resources and opportunities for research.

26. The CHAIRPERSON, after welcoming the High Commissioner to the meeting, expressed her appreciation of the High Commissioner's continued interest in the work of the Committee. Regarding cooperation with special rapporteurs and independent experts, it should be noted that she had recently invited the Independent Expert on the effects of structural adjustment policies on economic, social and cultural rights to participate in the Committee's twenty-second session. That should provide an opportunity for an exchange of views on countries' reports as well as on structural adjustment policies, which the Committee recognized as having a significant impact on economic, social and cultural rights, and in particular on poverty-related issues.

27. Mr. RIEDEL said he welcomed the High Commissioner's encouraging and supportive remarks about the Committee's activities, especially concerning its successful resolution of the question of the Solomon Islands. It was important to step up cooperation with the specialized agencies, and the Committee would need to consider ways of re-organizing its schedule so as to allow for essential input from those organizations as and when required. Regular meetings with representatives of those agencies were vital. However, over and above the discussions during the Committee's two regular sessions, it might be desirable to schedule a number of workshops throughout the year. He wondered whether there was any likelihood of the necessary resources being made available.

28. Mr. WIMER ZAMBRANO said that the adoption of an optional protocol to the Covenant would mean that the objectives and working methods of the Committee would resemble more closely those of the Human Rights Committee. In view of that fact, of the increasing recognition of the indivisibility of human rights, and of the current reforms under way in the United Nations, he asked whether the High Commissioner had considered the possibility of a future merger of the two Committees.

29. Mr. ANTANOVICH said he looked forward to the Committee making a contribution to the World Conference against Racism on the broad theme of education, and stated his readiness to adopt new approaches to that end. He welcomed the appointment of more special rapporteurs and independent experts. There could be no doubt that human rights were acquiring a more universal dimension and must henceforth be taken into consideration in seeking solutions to all of the world's major problems. Hence the vital importance of establishing greater cooperation between all competent bodies. While he would not go as far as considering a merger of the Committee on Economic, Social and Cultural Rights and the Human Rights Committee, he would certainly be in favour of establishing a proper working relationship between them, and of exchanging more information.

30. The report of the High Commissioner to the Economic and Social Council (E/1999/96) had certainly provided greater insight into the major issues currently facing the Committee and other human rights bodies. However, perhaps at some time in the future the High Commissioner might wish to consider the possibility of providing a broader overview of human rights activities in the form of a worldwide report on the human rights situation. He agreed on the need for more workshops and greater technical assistance in the field of human rights.

31. The scarcity of funding was of course a perennial problem, but not one which should prevent the Committee from discharging its duties. On the contrary, it should serve to make the Committee more focused, relevant and effective in its work.

32. Mr. SADI said that the High Commissioner's presence provided a significant boost to the Committee's morale. The Committee had just concluded its dialogue with the delegation of Argentina, which had asked whether it might be possible for the Committee to request the International Monetary Fund (IMF) to ease pressure on Argentina so as to allow it to overcome some of the problems highlighted by the Committee. Argentina was not alone: many States parties that had shifted from a centrally controlled to a free-market economy were under considerable pressure from the Bretton Woods institutions, pressure which prevented them from according the Covenant the priority it deserved. Perhaps the Office of the High Commissioner could devise a strategy which would help to remedy the situation.

33. Mrs. ROBINSON (United Nations High Commissioner for Human Rights) said she welcomed the news of the invitation extended to the Independent Expert on the effects of structural adjustment policies and would encourage other initiatives along those lines. The dialogue with the Committee allowed for a better understanding of common concerns and thus for progress to be made in the field of economic, social and cultural rights - one of her main endeavours since taking office. She agreed with Mr. Riedel on the need to make the best possible use of input from specialized agencies. The question of additional funding was indeed one of her main concerns. As was borne out by her statement at the recent meeting of persons

chairing the human rights treaty bodies, she would be laying special emphasis on greater resources, better use of information technology and more scope for workshops. A project for 2000-2001 was being prepared, which, if implemented, would mean a considerable increase in support to the treaty bodies, with the provision of nine additional staff posts, two of which would be funded from the regular budget. The project would form part of the Annual Appeal for voluntary contributions and would be launched vigorously at the start of the new millennium, with the clear message that the human rights monitoring system built up over the years must be allocated the necessary resources in order to take its work a stage further.

34. Commenting on the suggestion that the Committees monitoring the two Covenants might be merged, she said that the subject had been raised at a recent meeting of experts she had attended in the Netherlands. She felt, however, that it was not for her, as High Commissioner, but for the Committees themselves, to take such a decision. She saw great merit in closer linkage and exchange between the two Committees and hoped that the additional funding she was negotiating would afford them the opportunity for increased coordination. Regarding the optional protocol, again, it was not her role to enter the political arena, although she was dismayed at the lack of substantive progress.

35. She greatly appreciated Mr. Antanovich's support for the role of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and its usefulness as a forum for highlighting the educational dimension of anti-discrimination policy, inasmuch as discrimination affected many economic, social and political rights. The Conference would provide a genuine opportunity for the Committee to make a substantial contribution. She also welcomed his support for further integration of the role of the special rapporteurs and independent experts on economic, social and cultural rights. She had no inherent objection to a world human rights report, although the issue was somewhat sensitive.

36. She noted that the Argentine delegation had made direct reference to the constraints imposed by IMF structural adjustment requirements on State parties' implementation of human rights. It was more important than ever that the legal basis of the Covenant and States parties' obligations in that regard should be brought to the attention of the Bretton Woods institutions and that the constraints imposed by the latter should be used as a benchmark against which to measure progress in achieving economic, social and cultural rights. Her Office had already embarked on consultations with the World Bank with a view to encouraging it to place human beings at the centre of its Comprehensive Development Framework.

37. The Committee should be aware of her Office's strategic thinking. The time was ripe to build further on subregional and regional frameworks in order to deepen awareness and implementation of the treaty bodies' work and the thematic rapporteurs' reports. The Office would not only be seeking greater contact with its United Nations partners, but also drawing more on the work of the core committees. She would like both the Committee and the international financial institutions to become more involved in the Office's regional strategic approach, since it was at the regional level that best practices could most effectively be identified.

38. Mrs. JIMÉNEZ BUTRAGUEÑO said that the ageing of the population was an important phenomenon which affected millions of people. What plans did the High Commissioner have in

that regard? She wondered, for instance, whether a special rapporteur for the aged might be appointed. Although the situation of the elderly varied from country to country, there was often real discrimination against very old women, who were obliged to continue to work as much as the very young. She wondered to what extent the elderly could be addressed in effective agreements, as opposed to simple declarations of principle.

39. Mr. RATTRAY said that while he was heartened by developments arising out of the Office of the High Commissioner's consultation with the Bretton Woods institutions on States parties' effective implementation of the Covenant, there was another area that might assume even greater importance. He wondered whether the Office planned to devise a strategy for dealing with the World Trade Organization (WTO), which would soon be embarking on its second round of negotiations and which in the coming years would be addressing new areas in world trading arrangements in terms of goods as well as services. Achievement of economic, social and cultural rights might not be primarily dependent on States' ability unilaterally to take action, but on the extent to which trading was developed, liberalized and globalized and to which the entire culture of trading arrangements recognized the importance of ensuring that countries maintained their implementation level on a universalized basis. What plans did the Office of the High Commissioner have for consulting with WTO to ensure that its trading arrangements would be such as to allow countries to continue to respect the provisions of the Covenant?

40. Mr. GRISSA pointed out that a Committee of 18 members had to deal with 121 countries from different regions and with different cultures. While it received some information from NGOs, the Committee was not always fully informed of the situation obtaining in a State party. He wondered whether the secretariat might obtain additional assistance enabling it to furnish the Committee with really up-to-date information on the basis which to perform its task, performance of which was currently based solely on Governments' written reports or oral replies, both of which were often biased.

41. Mrs. ROBINSON (United Nations High Commissioner for Human Rights) agreed that the ageing of the population was a topic of growing concern in that there was an increasing divide between the elderly and the very young, both of which groups had their own problems. It was an issue that warranted the Commission's attention and could be addressed in a variety of contexts. It clearly also affected social security nets and concerned a category of persons who had often devoted a lifetime to caring for others yet ended their days receiving insufficient care themselves.

42. In reply to Mr. Rattray's question, she said that the New York Office of the High Commissioner would be representing her at the WTO Seattle talks. She was being increasingly encouraged from all sides to reflect on the impact of globalization on human rights, and would urge the Committee to do likewise. She was aware that the Research and Right to Development Branch of her Office was deepening its country-analysis system, and she hoped it would serve to support all treaty bodies' information on country situations and a more accurate background for country-specific briefing and reporting.

43. To Mr. Grissa's concern about the Committee's practical workload, she said that while she was aware that the Programme of Action had made a difference, more still needed to be

done, and she was committed to highlighting the need for additional personnel. Her Office's methodology unit was committed to improving efficiency and effectiveness, and she hoped that the Committee would enjoy the fruits of that commitment.

44. She trusted that she would be remembered as the Commissioner for Human Rights who had advocated the equal importance of civil and political rights on the one hand, and of economic, social and cultural rights on the other, in contributing to the right to development, a predominant aspect of her mandate. She would welcome the input of the Committee as a whole and of individual Members, particularly for the World Conference against Racism.

45. The CHAIRPERSON said she was heartened by the High Commissioner's encouragement of the Committee's work. It was particularly appreciative of the Programme of Action, which had greatly enhanced its operational capacity. She was also glad to hear that the Office was considering assigning the treaty bodies additional staff, some of whom might be allocated to the Committee. The Committee would be addressing the issue of the international financial institutions increasingly in the context of its concluding observations; it was also preparing a statement for delivery at the WTO Ministerial Conference, calling the Conference's attention to its previous statement concerning the impact of globalization on economic, social and cultural rights.

46. The High Commissioner could continue to count on the Committee's support, and it was to be hoped that she would continue to explore the vexed questions of non-reporting States parties and the Committee's backlog of work. The Committee, for its part, would do its best to contribute to the Office's regional and subregional approach and its study of national human rights institutions; for States parties would clearly be encouraged to intensify their action if the Committee made a point of focusing on their achievements.

The public part of the meeting rose at 11.55 a.m.